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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,719	07/15/2003	Michael I. Thompson	QN1024.US	7769
22145 7590 07/21/2008 KLEIN, O'NEILL & SINGH, LLP 43 CORPORATE PARK SUITE 204 IRVINE, CA 92606				
EXAMINER				
SMITH, MARCUS				
ART UNIT		PAPER NUMBER		
2619				
MAIL DATE		DELIVERY MODE		
07/21/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/619,719

Applicant(s)

THOMPSON, MICHAEL I.

Examiner

MARCUS R. SMITH

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,6 and 11-29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1,5,6 and 11-13 is/are allowed.
6) ☒ Claim(s) 14-29 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment filed on 4/28/08 been considered but is ineffective to overcome the Basso reference.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983).

3. Claim 19-26 are rejected under 35 U.S.C. 112, first paragraph, for being a single means claim. Claim 19 state that hardware engine is only a TCP table manager. The examiner acknowledges that the table manager *interfaces* with outbound and inbound TCP processors and outbound and inbound processors for processing packets, but the claim does states that those processors are part of the hardware engine.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Malagrino et al. (US 6,714,985).

with regard to claim 14, Malagrino et al. teaches (see figures 3-4, and 8):

A method for processing Internet Protocol (IP) datagram fragments received from a network, comprising:

receiving an IP datagram fragment for an IP datagram and storing the IP datagram fragment in a local memory (frame buffer, 420) of a hardware offload engine (IP reassembly engine, 400: column 20-30), where the hardware offload engine is coupled to a host system (line cards) (see figure 3) and the hardware offload engine completely offloads transmission control protocol (TCP)/Internet Protocol (IP) protocol stack execution from the host system (column 7, lines 28-40):

linking the IP datagram fragment to a reassembly list for the IP datagram (column 7, lines 50-63, CAM subsystem links the IP fragments); and

when all fragments for the IP datagram are received (step 820), sending the complete IP datagram to a destination for additional processing (Step 826: column 13, lines 1-15 and also see column 8, lines 47-60).

with regard to claim 15, Malagrino et al. teaches:

The method of Claim 14, wherein a new reassembly list (first frame entry) is created, if the IP fragment is a first fragment for the IP datagram (step 808, column 12, lines 45-50).

with regard to claim 16, Malagrino et al. teaches:

The method of Claim 15, wherein after the reassembly list is created, a timer (TMR field) is started to ensure the reassembly is completed in a certain amount of time (step 808, column 12, lines 45-50).

with regard to claim 17, Malagrino et al. teaches:

The method of Claim 15, wherein if the IP datagram fragment is not the first fragment and is in order with respect to other fragments already on an existing reassembly list, then the received IP datagram fragment is added to the end of the existing reassembly list (steps 814-818: column 12, lines 52-62).

with regard to claim 18, Malagrino et al. teaches:

The method of Claim 14, wherein if the IP datagram fragment is not a first datagram fragment and is out of order, compared to other datagram fragments already on an existing reassembly list, then the datagram fragment is inserted into the existing reassembly list as indicated by an IP offset value (column 11, lines 1-30).

Allowable Subject Matter

6. Claims 1, 5-6, 11-12, and 13 are allowed.

Response to Arguments

7. Applicant's arguments with respect to claims 14-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MARCUS R. SMITH** whose telephone number is (571)270-1096. The examiner can normally be reached on **Mon-Thurs: 7:30 am - 5:00 p.m.** and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2619

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRS 7/16/08

/CHAU T. NGUYEN/

Supervisory Patent Examiner, Art Unit 2619